

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

YASHICA YASHAY WESSON

PLAINTIFF

NO. 3:18CV182-JMV

**NANCY A. BERRYHILL,
ACTING COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the Court are Plaintiff's motion [18] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [19]. For the reasons set out below, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [17] dated September 6, 2019, this Court reversed and remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$5,785.32 for attorney work before this Court on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not substantially justified. Defendant indicates he has no objection to an award of fees but submits the award sought by Plaintiff should be reduced to reflect the correct, adjusted, statutory, hourly rates. Counsel for Plaintiff has advised the Court that Plaintiff has no objection to entry of an order awarding a fee calculated using the method suggested by the Commissioner.

The Court finds the award proffered by the government is reasonable, and no special circumstance would make the award unjust. Further, the award should be made payable to Plaintiff, *see generally Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 2521 (2010), and mailed to her counsel as is customary in this District.

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay to Plaintiff a total of \$5,666.15 in attorney fees for the benefit of counsel for Plaintiff.

This 12th day of December, 2019.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE